



# ***Lead Poisoning Prevention Program***

## **SUMMARY OF OWNER RIGHTS AND RESPONSIBILITIES ENVIRONMENT ARTICLE TITLE 6 SUBTITLE 8 REDUCTION OF LEAD RISK IN HOUSING**

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### **I. PURPOSE**

- Reduce childhood lead poisoning.
- Maintain affordable housing

### **II. SCOPE**

- Participation is mandatory for a rental dwelling unit built before 1978 (“Affected Property”).
- Exemptions are allowed for:
  - Hotel, motel or seasonal rentals
  - Housing certified Lead Free by MDE accredited inspector

### **II. FEES**

- For properties built before 1978 \$30 per unit, per year
- Any report submitted to the Department certifying a unit as Lead Free shall include a one time processing fee of \$10 per unit

### **III. REGISTRATION**

- Required for rental properties built before 1978.
- Register on MDE form with unique Owner Identification number (MDE Tracking Number)
- Registration renewal is required annually on MDE form
- Changes in ownership and property management must be reported within 30 days

### **IV. REQUIREMENT TO MEET FULL RISK REDUCTION STANDARD**

- An Owner of an Affected Property is required to meet Full Risk Reduction Standard at every change in occupancy. An Owner shall meet the Full Risk Reduction Standard by:
  - Passing the test for lead-contaminated dust, provided that that any chipping peeling, or flaking paint has been removed or repainted on interior and exterior of the Affected Property.
  - Verifying compliance by submitting a report to MDE from an independent accredited lead paint visual inspector or accredited lead paint risk assessor. The report shall include the passing inspection certificate with all required attachments.

### **V. REQUIREMENT TO MEET THE MODIFIED RISK REDUCTION STANDARD**

- An Owner of an Affected Property is required to meet the Modified Risk Reduction Standard on an Affected Property within 30 days of receiving:
  - An Elevated Blood Lead Level Notice that a child under six or a pregnant woman who resides in the Affected Property has an elevated blood lead (EBL) level of 10 micrograms or more per deciliter of blood;

OR

- A Notice of Defect from any source that the Affected Property contains a defect such as chipping, peeling or flaking paint.
- An Owner shall meet the Modified Risk Reduction Standard by:

- Within 30 days after the receipt of a Notice of Elevated Blood Lead Level or Notice of Defect, Owner provides for the temporary relocation of tenants to a lead free dwelling unit or another dwelling unit that has met the risk reduction standard;

OR

- Within 30 days after the receipt of a Notice of Elevated Blood Lead Level or Notice of Defect Owner ensures that the subject Affected Property passes a test for lead contaminated dust and by performing the following lead hazard reduction treatments;
  1. Interior and exterior painted surfaces are free of chipping, peeling or flaking paint;
  2. The dwelling unit is free of structural defects that could cause the paint to chip, peel, or flake;
  3. All interior windowsills where lead-based paint or untested paint exists have been repainted, replaced or encapsulated with vinyl, metal or other material, in a manner and under conditions approved by MDE;
  4. All window wells where lead based paint or untested paint exists are smooth and cleanable and have been capped with vinyl, aluminum or other material, in a manner and under conditions approved by MDE;
  5. Subject to federal, State or local fire code standards, all non-replacement and untreated windows have the top sash fixed to eliminate the friction caused by the movement of the top sash;
  6. All doors have been rehung as necessary to prevent friction of lead painted surfaces;
  7. All kitchen and bathroom floors are overlaid with a smooth, water-resistant covering; and
  8. The unit is free of all visible dust, debris, or residue.

AND

- Verifying compliance by submitting a report to MDE from an independent accredited lead paint visual inspector or accredited lead paint risk assessor. The report shall include a signed statement from the accredited supervisor overseeing the performance of the lead hazard reductions treatments and the passing inspection certificate with all required attachments.

#### VI. **TRAINED WORKERS, ACCREDITED SUPERVISORS, OR CONTRACTORS**

- All lead hazard reduction treatments must be performed by an accredited supervisor/contractor or by a trained worker under the supervision of an accredited supervisor.

#### VII. **DISCLOSURE ON SALE**

- At or prior to a contract of sale being executed the owner must disclose to prospective buyer any obligation to perform Risk Reduction Treatments not yet performed that have been triggered by turnover, Notice of defect, or Notice of EBL that will not be performed prior to transfer.



NOTE: This is in addition to any disclosure requirements contained in the Federal law commonly known as Title X, section 1018 of the Residential Lead Based Paint Hazard Reduction Act of 1992.

IX. **MDE ENFORCEMENT**

- Department has authority to:
  - Order compliance;
  - Perform spot checks; and
  - Assess civil penalties against inspectors, supervisors and owners for noncompliance.

